

HOUSE BILL 1058

By Durham

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 26, relative to certificates of good faith in
health care liability actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-26-122(d)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) If a party in a health care liability action subject to this section prevails on the basis of the failure of an opposing party to offer any competent expert testimony as required by § 29-26-115, the court shall, upon motion, compel the opposing party or party's counsel to provide to the court and the prevailing party a copy of each such expert's signed written statement relied upon in executing the certificate of good faith. This shall be ordered by the court upon motion of the prevailing party even though the case has not been litigated to an end and other parties are still involved in the case. The expert's signed written statement shall not be discoverable by the other parties to the ongoing litigation. The medical expert shall be compelled to personally appear and provide testimony under oath as to the qualifications of the expert, as determined by the court, for the purposes of determining that party's compliance with subsection (a) or (b).

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.